



POLICE DEPARTMENT CITY OF NEW YORK

February 5, 2018

MEMORANDUM FOR: Police Commissioner

Re: Lieutenant Angelique Olachea
Tax Registry No. 915148
79th Precinct
Disciplinary Case Nos. 2016-15668 & 2016-16144

Charges and Specifications:

Disciplinary Case No. 2016-15668

1. Said Lieutenant Angelique Olachea, while assigned to the 9th Precinct, on or about November 19, 2015, in [REDACTED] after having been involved in an unusual police occurrence or off-duty incident, wrongfully failed to notify the Operations Unit, as required.

P.G. 212-32, Page 1, Paragraph 1
& Note

OFF DUTY INCIDENTS INVOLVING
UNIFORMED MEMBERS OF THE SERVICE
COMMAND OPERATIONS

2. Said Lieutenant Angelique Olachea, while assigned to the 9th Precinct, on or about January 5, 2016, in [REDACTED] after having been involved in an unusual police occurrence or off-duty incident, wrongfully failed to notify the Operations Unit, as required.

P.G. 212-32, Page 1, Paragraph 1
& Note

OFF DUTY INCIDENTS INVOLVING
UNIFORMED MEMBERS OF THE SERVICE
COMMAND OPERATIONS

Disciplinary Case No. 2016-16144

1. Said Lieutenant Angelique Olachea, while assigned to the 9th Precinct, on or about June 26, 2016, having performed an overtime tour, wrongfully failed to sign the Command Log upon ending the tour early and wrongfully failed to submit an Overtime Report in a timely manner. (*As amended*)

P.G. 212-03, Page 1, Paragraph 11

EXPIRATION OF TOUR—
COMMAND OPERATIONS

P.G. 205-17

OVERTIME
PERSONNEL MATTERS

P.G. 202-14, Page 1, Paragraph 1

DESK OFFICER DUTIES AND
RESPONSIBILITIES

2. Said Lieutenant Angelique Olacchea, while assigned to the 9th Precinct and while off-duty, on or about and between June 25, 2016 and June 26, 2016, wrongfully granted an Emergency Day to a Member of the Service when she was not the on-duty 9th Precinct Desk Officer and failed to ensure that the Roll Call was adjusted and that a Leave of Absence Report was submitted. (*As amended*)

P.G. 203-20, Page 1,
Additional Data

AUTHORIZED LEAVE
GENERAL REGULATIONS

3. Said Lieutenant Angelique Olacchea, while assigned to the 9th Precinct, on or about and between August 1, 2016 and August 7, 2016, after having been directed by Captain Vincent Greany not to make changes to Roll Calls for Members of the Service not assigned to her Platoon, wrongfully failed to comply with said direction/order. (*As amended*)

P.G. 203-05, Page 1, Paragraph 1

PERFORMANCE ON DUTY - GENERAL
GENERAL REGULATIONS

P.G. 203-03, Page 1, Paragraph 2

COMPLIANCE WITH ORDERS
GENERAL REGULATIONS

P.G. 202-13, Page 2, Paragraph 13(b) LIEUTENANT - PLATOON COMMANDER
DUTIES AND RESPONSIBILITIES

4. Said Lieutenant Angelique Olacchea, while assigned to the 9th Precinct, on or about August 9, 2016, while acting as the Desk Officer, and after having been directed by Captain Vincent Greany to promptly review and approve Complaint Reports, wrongfully failed to comply with said direction/order. (*As amended*)

P.G. 203-05, Page 1, Paragraph 1

PERFORMANCE ON DUTY - GENERAL
GENERAL REGULATIONS

P.G. 203-03, Page 1, Paragraph 2

COMPLIANCE WITH ORDERS
GENERAL REGULATIONS

P.G. 207-07, Page 4, Paragraph 20

PRELIMINARY INVESTIGATION OF
COMPLAINTS (OTHER THAN VICE RELATED
OR NARCOTICS COMPLAINTS)

P.G. 202-14, Page 3, Paragraph 22

DESK OFFICER
DUTIES AND RESPONSIBILITIES

5. Said Lieutenant Angelique Olacchea, while assigned to the 9th Precinct, on or about and between February 21, 2014 and October 1, 2016, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Lieutenant wrongfully showed preferential treatment or favoritism towards a Member of the Service, Police Officer Javier Velazquez.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT - PROHIBITED CONDUCT
GENERAL REGULATIONS

Appearances:

For the Department: Samuel Yee, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: John Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

Hearing Dates:

July 27, August 2, September 8, October 5, October 26 and November 8, 2017

Decision:

Disciplinary Case No. 2016-15668: Specification 1: Guilty; Specification 2: Guilty.
Disciplinary Case No. 2016-16144: Specification 1: Guilty; Specification 2: Guilty;
Specification 3: Guilty; Specification 4: Not Guilty; Specification 5: Guilty.

Trial Commissioner:

ADCT Paul M. Gamble

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on July 27, August 2, September 8, October 5, October 26 and November 8, 2016. Respondent, through her counsel, entered pleas of Not Guilty to the subject charges. The Department called Inspector Peter Venice, Captain Vincent Greany¹, Lieutenant Michael Diaz, Lieutenant Michael Lau, Lieutenant Keith White, Sergeant Julie Clark, Sergeant Michael Gaon, Sergeant Robert Garcia, Sergeant Chantay Miller, Sergeant Thomas Yang, PAA Desire Angus, and PAA Charlene Bullard as witnesses. Respondent testified on her own behalf and also called Captain Angel Figueroa, Lieutenant Kerry O'Connor, Sergeant Joseph Decandia, Sergeant Valentin Khazin and Police Officer Michael Ranieri as witnesses. A stenographic transcript of the trial record has been

¹ Since the Tribunal reserved decision in this matter, Captain Greany has been promoted to Deputy Inspector.

prepared and is available for the Police Commissioner's review.

DECISION

After reviewing the evidence presented at the hearing, and assessing the credibility of the witnesses, I find Respondent Guilty of Specifications 1, 2, 3, and 5, as charged in Disciplinary Case No. 2016-16144. I find Respondent Not Guilty of Specification 4. I find Respondent Guilty of Specifications 1 and 2 as charged in Disciplinary Case No. 2016-15668

FINDINGS AND ANALYSIS

Respondent is a twenty-two year Member of Service. From 2014 to September 2016, Respondent was assigned to the 9th Precinct and served as the Third Platoon Commander. Due to two incidents in 2016, Respondent's professional performance, as well as her personal relationship with another Member of Service assigned to the 9th Precinct, was scrutinized by two Commanding Officers: first, Inspector Peter Venice and then by Captain Vincent Greany.

The first incident occurred in and about July 2015, when Respondent approached Inspector Venice to inform him that someone had left an anonymous note in Police Officer Javier Velazquez' locker, the contents of such note implying that Velazquez was allegedly having an "improper relationship" with Respondent, a subordinate assigned to her platoon. Subsequent to this conversation, Inspector Venice transferred Police Officer Velazquez from the Third Platoon to the Second Platoon and out of Respondent's chain of command. Subsequent to the tour change, Inspector Venice noticed that Police Officer Velazquez was periodically being switched back to the Third Platoon. When Inspector Venice met with Respondent to discuss the aforementioned tour changes, Respondent asserted that she and Police Officer Velazquez were being treated unfairly because they were Hispanic Members of Service. Respondent's assertions led Inspector Venice to notify the Internal Affairs Bureau and Manhattan South Investigations.

On June 25, 2016, Respondent granted Police Officer Velazquez' telephonic request for an emergency day while she was off-duty. At the time Police Officer Velazquez made this request, he was not assigned to Respondent's platoon. Because Respondent failed to notify the Second Platoon Desk Officer who was on duty at the time she granted Police Officer Velazquez' request, as well as the Third Platoon Sergeant who annotated the roll call document, Velazquez was considered unaccounted for by the time the First Platoon reported for duty on June 26, 2016.

When Captain Greany was apprised that Police Officer Velazquez was unaccounted for, he caused local police to conduct a wellness check at Velazquez' residence. In attempting to reconstruct the events which led to Police Officer Velazquez' erroneous designation, Captain Greany discovered Respondent's role in authorizing an emergency day, while off-duty, without proper administrative follow-up. Captain Greany notified Manhattan South Investigations and initiated an internal investigation undertaken by Lieutenant Michael Diaz.

In September 2016, Respondent was administratively transferred from the 9th Precinct to the 79th Precinct at Captain Greany's request.

I credit the testimony of the Department's witnesses collectively but the testimonies of Inspector Venice and Captain Greany warrant individual mention. The Department's witnesses testified to the performance of their duties and their relevant on-duty observations in a logical, consistent and dispassionate manner. Inspector Venice and Captain Greany testified credibly and persuasively, in a manner commensurate with the magnitude of their responsibilities and the accountability expected from senior members of this Department. While the Tribunal is aware that Inspector Venice is a defendant in a pending civil action brought by Respondent, he showed no signs of undue bias against Respondent in his testimony here.

In contrast, I found Respondent's testimony to be self-serving and unreliable.

Respondent asserted that she and Police Officer Velazquez were both members of the National Latino Officers Association and, as such, she was obligated to take a stand against any purportedly unjust treatment of a fellow member. Respondent's testimony amounted to an unsupported claim of justification for failing to follow basic procedures. In so doing, Respondent mischaracterizes, and does a disservice to, the value of fraternal organizations in this Department.

The witnesses called by Respondent, with the exception of Sergeant Khazin, offered testimony which I found to be credible but which had no real probative value. I find that Sergeant Khazin's testimony was unreliable, as he has taken a position in a civil action which seems to favor Respondent, as well as naming several defendants in his action who testified as witnesses for the Department. Captain Figueroa's testimony was cumulative with other evidence already in the record. Lieutenant O'Connor and Sergeant Decandia's assertions that they observed no attempts by Respondent to bestow favorable treatment on Police Officer Velasquez, even if credited, need not preclude Respondent's culpability, particularly when considered against the documentary evidence of numerous tour and assignment changes effected by Respondent for Police Officer Velazquez' apparent benefit.

While Respondent characterized her actions as efforts to "protect" Police Officer Velazquez from unfair treatment, the evidence supports a finding that she sought to favor police Officer Velazquez by immunizing him from the collateral consequences of personnel decisions made by the Commanding Officers of the 9th Precinct, decisions which were well within their prerogatives to make. Respondent, in substituting her biased judgment for that of the 9th Precinct Commanding Officers, elevated Police Officer Velazquez' personal concerns above those of the Precinct, in derogation of her own leadership responsibilities. Respondent's personal

relationship with Police Officer Velazquez did not respect the traditional boundaries between superiors and subordinates necessary to maintain discipline and efficiency in this Department.

Disciplinary Case No. 2016-16144

Inspector Peter Venice was the Commanding Officer of the 9th Precinct from May 2014 to June 2016 (T. 538). In July 2015, Inspector Venice reassigned Police Officer Javier Velazquez from Third Platoon to Second Platoon (T. 539). At the time of this transfer, Respondent was Police Officer Velazquez' Platoon Commander. Inspector Venice made the transfer after reviewing Police Officer Velazquez' record and observing that he had negative leave time and that he had been chronic sick for most of his career (T. 540). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (T. 546). Inspector Venice's concern was

buttressed by Respondent's report to him that an anonymous note had been left in Police Officer Velazquez' locker which admonished him to "stop having sex with the lieutenant" (T. 550). Finally, Inspector Venice believed that by assigning Police Officer Velazquez to a day tour, with more supervisors in the ranks of Sergeant and Lieutenant than were assigned to Third Platoon, he was facilitating the rehabilitation of Velazquez' career (T. 540). Inspector Venice issued a verbal order to the supervisors in the 9th Precinct to refrain from authorizing changes to Police Officer Velazquez new tour.

After Inspector Venice changed Police Officer Velazquez' tour, he came to learn that Velazquez was still working Third Platoon tours, made possible by Respondent approving Velazquez' requests for tour changes (T. 541). These changes were effected despite Inspector Venice's explicit request to Respondent and other supervisors in the precinct, not to change

Police Officer Velazquez' tours back to Third Platoon (T. 542). Inspector Venice testified that when he questioned Respondent about changing Police Officer Velazquez' tour without his authorization, she accused him of taking action because she and Police Officer Velazquez are Hispanic (T. 563). Respondent further asserted that there were white officers in the 9th Precinct who were in intimate relationships and had not come under official scrutiny (*Id.*). Inspector Venice asked Respondent for the names of the police officers she alluded to; once she provided the names, Inspector Venice made notifications to the Internal Affairs Bureau and Manhattan South Investigations (*Id.*). According to Inspector Venice, Respondent told him that she and Police Officer Velazquez were not involved and that Velazquez was being "harassed" by other members of his platoon (T. 567).

Inspector Venice asserted that he did not take any disciplinary action against Respondent at the time because there was an EEO case involving Respondent being adjudicated by this Department, at Inspector Venice's instigation, as well as an investigation by Manhattan South Investigations into the alleged personal relationship between Respondent and Police Officer Velazquez (T. 542).

The roll call document for December 12, 2015 reflected that Police Officer Velazquez was originally assigned to Sector David, but the entry was crossed out and "stationhouse security" was written in (T. 469-471; Dept. Ex. 33). Respondent was also written in as the Platoon Commander on that report (T. 470).

The roll call document for December 17, 2015 reflects Respondent's assignment as Desk Officer and Officer Velazquez' assignment to sector Adam Charlie (T. 472-473; Dept. Ex. 34). Officer Velazquez' assignment was crossed out and "stationhouse security" was written in (T. 473; Dept. Ex. 34). The roll call document also reflects that Respondent was originally

scheduled to work Third Platoon but her tour was changed to Second Platoon (*Id.*).

The roll call document for December 19, 2015, reflects Respondent's assignment as Desk Officer and Police Officer Velazquez to "stationhouse security" (T. 474-476; Dept. Ex. 35). Police Officer Velazquez' assignment was written into the roll call and Police Officer Pontebbi's name was crossed out (T. 475; Dept. Ex. 35). The roll call document also reflects that Officer Velazquez was originally scheduled to work Third Platoon but his tour was changed to Second Platoon (T. 476-477; Dept. Ex. 35).

Lieutenant Michael Lau is the commander of Second Platoon, 9th Precinct and has been so for two years (T. 639). In 2016, Police Officer Velazquez was assigned to Lieutenant Lau's platoon (T. 640). Lieutenant Lau recalled occasions in 2016 when Police Officer Velazquez was scheduled to work Second Platoon but was reassigned to Third Platoon (*Id.*). Lieutenant Lau could not recall the number of times this occurred but he recalled that Respondent did not always notify him that she was approving a tour change for Police Officer Velazquez prior to the commencement of Second Platoon's tour of duty (*Id.*).²

Sergeant Thomas Yang testified that he is the Third Platoon Patrol Supervisor assigned to the 9th Precinct (T. 421). On June 25, 2016, Sergeant Yang reported to the precinct at approximately 1450 hours, while Second Platoon was still working (T. 435). He learned from Police Officer Alicea that Police Officer Velazquez, who was scheduled to work Second Platoon, had swapped with him for a Third Platoon tour (T. 435-436, 441).

Sergeant Yang assumed his duties for Third Platoon and did not see, or have any communication with, Police Officer Velazquez (T. 423-424). Sergeant Yang conducted roll call

² Lieutenant Lau asserted that he made a complaint to the Deputy Commissioner for Equal Employment Opportunity on Police Officer Velazquez' behalf (T. 646).

for Third Platoon and did not recall seeing Velazquez (T. 442). Sergeant Yang also worked as Desk Officer for First Platoon into the morning of June 26th (T. 425). Although Officer Velazquez was scheduled to work a "No Parking" detail during First Platoon on June 26th, he did not appear (T. 426). Respondent was assigned as the Platoon Commander for both Third Platoon on June 25th and First Platoon on June 26th (T. 425-426). Sergeant Yang did not discuss Officer Velazquez' absence with Respondent during either tour (T. 427-428). Toward the end of his tour on June 26th, Sergeant Yang had a discussion with Captain Greany, who directed him to obtain Officer Velazquez' "10 card" and ascertain his whereabouts (T. 429). Sergeant Yang called Officer Velazquez' local police precinct and asked them to visit his residence (*Id.*).

Sergeant Yang conceded on cross-examination that he never raised the issue of Police Officer Velazquez' absence with Respondent (T. 443). According to Sergeant Yang, he assumed Police Officer Velazquez was present somewhere in the precinct because he was aware that Velazquez and Respondent would often arrive together when they worked the same platoon³ (T. 448). At approximately 0700 hours on June 26th, Lieutenant Brown, the 9th Precinct Admin lieutenant, asked Sergeant Yang if he knew where Officer Velazquez was (T. 452). Sergeant Yang responded that he had not seen him (T. 454). Sergeant Yang did receive a telephone call from Respondent at approximately 0800 hours on June 26th, after she had left the precinct, inquiring who was looking for Police Officer Velazquez (T. 457). Sergeant Yang informed Respondent that Lieutenant Brown had made the inquiry (T. 458).

Captain Vincent Greany testified that he assumed command of the 9th Precinct on June 15, 2016 (T. 205). Captain Greany was assigned to a parade detail on June 26, 2016, and

³ I take judicial notice that Respondent's residence is approximately 41 miles from the 9th Precinct and that [REDACTED] New York, Police Officer Velazquez' town of residence, is approximately 77 miles from the 9th Precinct.

reported to the 9th Precinct at approximately 0700 hours (T. 227). At about 0730 hours, Captain Greany was notified by Sergeant Yang that Police Officer Velazquez was unaccounted for (T. 227, 253-254). After Sergeant Yang indicated that he did not know where Velazquez was, Captain Greany directed him to contact Velazquez' local police department and have them go to his residence (T. 228). Captain Greany was aware that Respondent was assigned as the Desk Officer for First Platoon that day and asked to speak with her but was informed that she had already left the precinct (T. 254). Captain Greany was further informed that Respondent had not signed out of the command log (T. 256).

Sergeant Chantay Miller, assigned to Manhattan South Investigations, testified that in late June or July of 2016, she was assigned to investigate allegations of fraternization and failure to make log entries against Respondent. At the time, Sergeant Miller was assigned to Patrol Borough Manhattan South Investigations (T. 75-76). During the course of her investigation, Sergeant Miller acquired the roll call diary for the 9th Precinct for June 26, 2016 (T. 77-78; Dept. Ex. 7). According to the roll call, Police Officer Javier Velazquez was scheduled to work an overtime midnight tour of duty at the 6th Precinct (T. 80; Dept. Ex. 7). Police Officer Velazquez was notified of this overtime tour and acknowledged being notified with his signature on the notification form (T. 80; Dept. Ex. 8).

A copy of the 9th Precinct roll call diary from June 27, 2016 shows Police Officer Velazquez scheduled to perform a tour with Second Platoon but also bears a notation changing his assignment from Second Platoon to Third Platoon (T. 88; Dept. Ex. 9). The notation was in Respondent's handwriting (T. 89). Respondent was also scheduled to work the Third Platoon that day (*Id.*). The roll call diary for June 25, 2016 shows that Respondent was the desk officer for Third Platoon (T. 89-90; Dept. Ex. 10).

Sergeant Miller questioned Respondent during her investigation as to the reason Police Officer Velazquez was not present for duty on June 26, 2017 and why his name was not lined out on the roll call diary (T. 90-91). Respondent answered that Police Officer Velazquez had contacted her prior to her assuming command of Third Platoon on June 25, 2016, and requested an emergency day to cover this scheduled tour on June 26, 2016 (T. 91). Respondent granted Police Officer Velazquez' request but neglected to line out his name on the roll call document (*Id.*). Respondent conceded in her Department interview that she was not on duty at the time she granted Velazquez' emergency day request (T. 401). According to Sergeant Miller, the prescribed protocol is for the police officer requesting the emergency day to contact the on-duty Desk Officer (T. 403).

On July 6, 2016, Captain Greany held a meeting with all the Lieutenants assigned to the 9th Precinct, at which Respondent was present (T. 210-211; Dept. Ex. 16). Captain Greany reduced his meeting agenda items to writing (T. 210; Dept. Ex. 16). At this meeting, Captain Greany issued a directive, both orally and in writing, that platoon commanders were forbidden from changing the tour of any police officer not assigned to their platoon (T. 211-212; Dept. Ex. 211-213). Captain Greany issued additional guidance, orally and in writing, of processing guidelines for complaint reports (UF-61) (T. 213-214; Dept. Ex. 17). Captain Greany's guidance directed Desk Officers/platoon commanders to review the handwritten complaint reports at the beginning, middle and end of their tours (T. 225).

Captain Greany testified that he reviewed the 9th Precinct roll call for August 6, 2016 and observed a pen and ink change directing that Police Officer Velazquez, assigned to Second Platoon, had his tour changed to stationhouse, Third Platoon (T. 217; Dept. Ex. 15). On that date, the Desk Officer for Third Platoon was Respondent (*Id.*). The only other Lieutenant

working that tour was Lieutenant Ferguson, the Special Operations Commander (*Id.*).

On August 10, 2016, Captain Greany reviewed the NYPD Booking and Complaint System ("OmniForm" or "OMNI") to monitor the processing times for complaint reports (T. 219). Captain Greany performed this review on a daily basis (*Id.*). On August 10th, Captain Greany observed that no complaint forms were finalized for the Third Platoon on August 9th, although there were 9-10 handwritten complaint reports to be reviewed (T. 219-210, 225, 228-229). The Desk Officer for Third Platoon on August 9th was Respondent (T. 220). Captain Greany requested Lieutenant Michael Diaz, the 9th Precinct Integrity Control Officer, to review the OMNI system for August 9th as a quality control check (T. 221). According to Captain Greany, Lieutenant Diaz reported that he concurred with Captain Greany's assessment (T. 221-222).

Lieutenant Michael Diaz testified that he is the Integrity Control Officer at the 9th Precinct (T. 298). Somewhere between August 10 and September 8, 2016, Captain Greany directed Lieutenant Diaz to review the Roll Call diary, Command Log, Complaint System Integrity Report: Audit history and Integrity Report sign-off for August 9, 2016 (T. 300-302, 303, 305; Dept. Ex. 20, 21, 22A, 22B). After reviewing those documents, Lieutenant Diaz discerned that during the time that Respondent was the Desk Officer on August 9th into August 10th, she did not review any complaint reports, despite there being complaint reports in the OMNI system to be reviewed (T. 307).

Lieutenant Diaz reviewed the following additional roll call documents in the course of his investigation which were admitted into evidence without objection:

The Roll Call for Second Platoon, December 18, 2015 reflects Respondent assigned to an overtime tour in Times Square, along with two other officers (T. 313-314; Dept. Ex. 24). The

Roll Call also contained an entry detailing Officer Velazquez to "stationhouse security/traffic court," which was crossed out and changed to "Times Square detail" (T. 315-316).

The Roll Call document for Second Platoon, April 17, 2016 reflects Respondent assigned as "Patrol Supervisor, 0400 by 1345" (T. 317, Dept. Ex. 25). According to Lieutenant Diaz, this would have been an overtime tour, as Respondent normally was assigned to Third Platoon (*Id.*). The Roll Call also indicated that Officer Velazquez was originally assigned to "Sector Adam Charlie" during that tour but that assignment was crossed out and changed to "Lieutenant Operator" (T. 317-318).

The Roll Call document for Second Platoon, May 22, 2016 reflects Respondent assigned as the Desk Officer (T. 319, Dept. Ex. 26). According to Lieutenant Diaz, this would have been another overtime tour (*Id.*). The Roll Call also indicated that Officer Velazquez was working and originally assigned to "Sector Eddie" but that assignment was crossed out and changed to "Stationhouse security" (T. 320).

The Roll Call document for Second Platoon, May 29, 2016 reflects Respondent assigned as the Desk Officer (T. 323, Dept. Ex. 27). The Roll Call also indicated that Officer Velazquez was working and originally assigned to "Sector Eddie" but that assignment was crossed out and changed to "Stationhouse security" (T. 324).

The Roll Call document for Third Platoon, June 15, 2016, reflects Respondent assigned as the Platoon Commander and Lieutenant James Lee assigned as Patrol Supervisor (T. 325, Dept. Ex. 28). The Roll Call also indicated that Officer Velazquez was written into this platoon and assigned to "Stationhouse security" (T. 326).

The Roll Call document for Third Platoon, June 18, 2016, reflects Respondent assigned as the Platoon Commander working a 1445 by 2350 tour (T. 327, Dept. Ex. 29). The Roll Call

reflects that Respondent's tour was changed to 1315 by 2200 (*Id.*). The Roll Call further indicated that Officer Velazquez was working and originally assigned to a shelter post at 83rd Street from 1300 to 2135 (T. 327-328).

The Roll Call document for Second Platoon, July 10, 2016, reflects that Respondent was assigned as the Desk Officer but her assignment did not appear on the original document (T. 329, Dept. Ex. 30). The Roll Call further indicated that Officer Velazquez was assigned to "Sector Boy TSP [Tompkins Square Park]" (T. 329-330). His assignment was crossed out and he was re-assigned to Stationhouse security (T. 330).

The Roll Call document for Second Platoon, August 6, 2016, reflects that Officer Velazquez was assigned to Sector Boy for that tour but his assignment was changed to Third Platoon, under Respondent's signature (T. 332, Dept. Ex. 31).

The Roll Call document for Second Platoon, August 7, 2016, reflects that Respondent was assigned as the Desk Officer (T. 333, Dept. Ex. 32). The Roll Call further indicated that Officer Velazquez was originally assigned to "Sector Eddie" but that assignment was crossed out and he was re-assigned to Stationhouse security (T. 335).

Lieutenant Diaz testified that he reviewed Respondent's and Officer Velazquez' vacation picks for 2016 and they were identical (T. 336).

On September 8, 2016, Captain Greany submitted a request to Commander, Patrol Borough, Manhattan South, that Respondent be administratively transferred from the 9th Precinct (T. 272, 274, 287; Dept. Ex. 18).

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On November 19, 2015, police officers from the [REDACTED] Police Department responded to a call for assistance at Respondent's residence in [REDACTED] (Dept. Ex.

4, 6, 6A). The responding police officers prepared a complaint form on which Respondent is identified as the complainant (Dept. Ex. 4). The nature of Respondent's complaint was that she had a verbal dispute with her son (Dept. Ex. 4, 6, 6A). Respondent testified that she called 911 because her children objected to her bringing friends of hers home (T. 686). Respondent explained in her testimony, "My children needed to learn to respect their mother" (*Id.*).

On January 6, 2016, police officers from the [REDACTED] Police Department were again dispatched to Respondent's residence to investigate a report of a disturbance (Dept. Ex. 5, 6, 6B). During the call to the 911 operator, a person conceded to be Respondent claimed that her daughter was "acting up" and asked for a police response to Respondent's home in [REDACTED], [REDACTED] (Dept. Ex. 6, 6B). On this occasion, Respondent claimed that she had a verbal dispute with her daughter concerning Respondent's "boyfriend," who was identified as a New York City Police Officer (*Id.*). Respondent's status as a New York City Police Officer was also made known to the investigating officers (*Id.*).

In an official Department interview, Lieutenant Keith White asked Respondent whether she had notified anyone in the New York City Police Department of these two incidents and she answered that she had not (T. 64). In her testimony before this Tribunal, Respondent asserted that she did not notify this Department after the November 19, 2015, incident because she was embarrassed (T. 687, 785). Respondent testified further that she did not contact this Department after the January 6, 2015, incident because she believed that the Department would be on notice once the [REDACTED] [REDACTED] police notified the Internal Affairs Bureau, as they asserted they would immediately after the incident (T. 689).

On cross-examination, Inspector Venice conceded that he was a defendant in a pending civil action brought by Respondent (T. 557). After Inspector Venice reassigned Police Officer

Velazquez from Third Platoon to Second Platoon, Respondent approached Inspector Venice and advised him that the reassignment was having an adverse effect upon Velazquez (T. 558).

Inspector Venice spoke with Police Officer Velazquez directly about the hardships he experienced as a result of the reassignment and expressed willingness to work with Velazquez, conditioned upon him remaining off the chronic sick list (T. 559). Inspector Venice offered to assign Police Officer Velazquez to steady days off if that would alleviate concerns he had concerning childcare (T. 559-560). According to Inspector Venice, Police Officer Velazquez became bitter after the tour change and did not seem motivated to reach any accommodation (T. 560).

Police Administrative Aide Charlene Bullard testified that she was assigned to the 9th Precinct for 21 years and administered roll call for Third Platoon (T. 408). PAA Bullard testified that on one occasion, Respondent made a request that Officer Velazquez' assignment to a detail be changed (T. 413). PAA Bullard took the request to her supervisor, Lieutenant Brown, for authorization (*Id.*). Lieutenant Brown took the request and handled it directly with Respondent (*Id.*). PAA Bullard overheard, but did not participate in, an argument between Lieutenant Brown and Respondent which ensued (T. 415). PAA Bullard took no action in furtherance of Respondent's request (T. 414). At the end of PAA Bullard's tour that day, Respondent approached her and asserted that PAA Bullard should have made the change and not taken the request to Lieutenant Brown (*Id.*). PAA Bullard responded that since Lieutenant Brown was her supervisor and he was on duty, the request was properly routed to him (*Id.*). According to PAA Bullard, Respondent threatened to issue her a command discipline for making errors on previous roll calls (T. 418, 419).

Lieutenant Diaz testified that prior to becoming the Integrity Control Officer, he was

assigned as the Second Platoon commander (T. 338-339). In that capacity, he became Police Officer Velazquez' supervisor when Velazquez was transferred from Third Platoon to the Second Platoon in July 2015 (T. 339). Lieutenant Diaz testified that soon after Velazquez was transferred to Second Platoon, on at least two occasions, Respondent asked him if he would consider assigning Velazquez as his steady operator (T. 339, 380-381). Respondent also asked Lieutenant Diaz to "look out" for Velazquez because he was having family problems and experiencing child care issues due to the tour change (T. 384). Lieutenant Diaz responded that he would see what he could do (T. 384-385).

On December 4, 2015, after Lieutenant Diaz reassigned Officer Velazquez from a house of worship ("HOW") vehicle to a post on East Houston Street and the FDR Drive, Respondent objected to the deployment, opining that it was unsafe to have a single police officer that distant from the command without fellow officers nearby (T. 376, 495). Lieutenant Diaz made the reassignment from the HOW vehicle because he believed that Officer Velazquez had previously told him that he did not want to work for the current Commanding Officer (T. 497). At the time Velazquez made that statement to Lieutenant Diaz, the Commanding Officer had directed that he be assigned only to RMP patrol duties (T. 510). Lieutenant Diaz further believed that Velazquez had received a preferential assignment which his performance did not warrant (T. 500-501).

When Respondent, who was off-duty at the time, informed Lieutenant Diaz that she was ordering Officer Velazquez back to the precinct, Lieutenant Diaz responded by expressing his intention to issue Officer Velazquez a command discipline for failure to follow a lawful order if he returned to the 9th Precinct (T. 378). Lieutenant Diaz then received a call from Lieutenant Patrick Ferguson, who was a delegate of the Lieutenant's Benevolent Association; Lieutenant Ferguson attempted to mediate the situation by suggesting that he report the matter to the

commanding officer, rather than issue Officer Velazquez a command discipline (T. 379).

Lieutenant Diaz conceded that he felt Respondent had "overstepped her boundaries" in countermanding his assignment of Officer Velazquez (*Id.*).

On cross-examination, Lieutenant Diaz explained that Captain Greany directed him to investigate whether Respondent and Officer Velazquez were working together at the same time, working overtime at the same time or taking days off together (T. 351).

Respondent testified that she has been a Member of Service for 22 years and a Lieutenant for nine years (T. 680-681). Since being assigned to the 9th Precinct in 2007, she has served as the Third Platoon commander, supervising 24 to 30 police officers (T. 683). Respondent acknowledged having a personal friendship with Police Officer Velazquez, as well as being his supervisor (T. 682). Respondent added that she and Velazquez are members of the National Latino Officers Association, a fraternal organization (T. 682).

Respondent testified that she spoke with her former Commanding Officer, Inspector Venice, on Police Officer Velazquez' behalf, asserting that Velazquez had approached her for assistance in dealing with a family hardship he was experiencing (T. 692). At the time Respondent spoke with Inspector Venice, Police Officer Velazquez was assigned to Third Platoon (T. 693). Inspector Venice' response was to inform Respondent that he was transferring Velazquez to Second Platoon because he was "chronic sick" (T. 694-695). According to Respondent, Police Officer Velazquez' hardship was exacerbated by the tour change to Second Platoon (T. 695).

Respondent acknowledged that she was present for a meeting in June 2016, called by Inspector Venice' successor, Captain Vincent Greany, at which Captain Greany directed that no platoon commander was to change the tour of a member of another platoon without discussing

the proposed change with the other platoon commander (T. 696).

Respondent conceded that she received a telephone call from Police Officer Velazquez, sometime before 1500 hours on June 25, 2016, as she was on her way to the Ninth Precinct (T. 697-698). During the call, Police Officer Velazquez requested an emergency day, which Respondent granted (*Id.*). Respondent admitted that when she arrived at the Ninth Precinct, she did not inform Sergeant Yang, who was the Third Platoon Desk Officer, that she had granted an emergency day request for Velazquez (T. 698-699, 702). Respondent testified that she was running late that day and Sergeant Yang handled roll call in her absence (T. 699). Upon her arrival at the Ninth Precinct, Respondent completed a "28" authorizing Velazquez' emergency leave and left it in her mailbox (*Id.*). Respondent was on duty for Third Platoon, then worked a tour as First Platoon commander (T. 697, 700). During the First Platoon tour, Respondent worked with Sergeant Garcia (T. 700). Respondent admitted that she departed the Ninth Precinct at approximately 0700 hours, although her tour officially ended at 0745 hours (T. 701). Respondent asserted that she signed the command log for the Third Platoon at the commencement of her tour, then signed out from that tour around midnight (T. 701). Respondent acknowledged signing the command log again at the commencement of her First Platoon tour but did not sign out when she left the precinct at 0700 hours on June 26, 2016 (*Id.*). Respondent asserted that she did not sign out because she had an overtime slip which she intended to submit on June 27th (T. 701-702). Respondent admitted that she did not speak to Sergeant Yang or Sergeant Garcia to inform them that Police Officer Velazquez had been granted an emergency day, nor did she make a notation on the roll call reflecting the emergency day she had authorized (T. 704-705, 759-760).

Respondent testified that the first time anyone spoke to her about Police Officer

Velazquez' absence from his Third Platoon tour was Velazquez himself, who called her as she was on her way home on June 26th, asking her why there were police officers at his home (T. 705). Velazquez' telephone call prompted Respondent's call to Sergeant Clark, working Second Platoon, which involved Lieutenant Brown's attempt to locate Velazquez (T. 706). In a subsequent call to Sergeant Yang, Respondent asked him why he had not notified her before sending police to Velazquez' home (*Id.*). Sergeant Yang replied that he did not want to come between two lieutenants (*Id.*).

On August 6, 2016, Respondent admitted approving a tour change request from Police Officer Velazquez in which he sought to do a "mutual" with Police Officer Biagini, where Velazquez would work Biagini's Third Platoon assignment and Biagini would work Velazquez' Second platoon assignment (T. 706-707). Respondent further admitted that she never contacted Lieutenant Lau, the Second Platoon commander, but explained that it was his RDO (T. 708). Respondent believed that Captain Greany's June directive only required her to notify Lieutenant Lau and his unavailability obviated that condition (T. 709).

Respondent denied attempting to give Police Officer Velazquez additional overtime assignments over and above the 40 hours per month that he was eligible for; placing him in a plainclothes unit; or cancelling court appearances for him; (T. 711, 713). Respondent conceded that she had used Police Officer Velazquez as her steady operator but added that she had other operators during the period that she and Velazquez worked together (T. 715). Respondent stated that she granted time off, emergency days and early dismissals for members of her platoon other than Police Officer Velazquez (T. 716, 718-719).⁴

⁴ Respondent further admitted that she spoke to Inspector Venice and made "numerous" EEO complaints on Police Officer Velazquez' behalf in an effort to help him (T. 720).

Respondent testified that approximately 13 UF-61 complaint reports were submitted on August 9, 2016, during her Third Platoon tour (T. 720). Respondent recalled that she did not sign off on all 13 complaint reports because some were incomplete, at least two complaint reports were reserved and one other should have been in the 13th Precinct, rather than the Ninth Precinct (T. 722-724).

Captain Angel Figueroa testified that he is a former Executive Officer of the 9th Precinct (T. 660). Captain Figueroa confirmed that he received a letter from Respondent as she was detaching from the 9th Precinct in which she detailed an alleged pattern of retribution against Police Officer Velazquez prompted by her coming to his aid after allegedly unfair treatment (T. 676; Respondent's Exhibit A). Captain Figueroa testified that he forwarded Respondent's letter to the Internal Affairs Bureau and the Deputy Commissioner for Equal Employment Opportunity (T. 677).

Sergeant Joseph Decandia testified that for a period of six months, he was Police Officer Velazquez' immediate supervisor and Respondent's subordinate (T. 578). During that period, Sergeant Decandia saw no attempt by Respondent to provide favors to Police Officer Velazquez (*Id.*).

Sergeant Valentin Khazin testified that while serving as either the Desk Officer or the Patrol Supervisor at the 9th Precinct, he would receive calls from Lieutenant Brown questioning who was assigned to stationhouse security and that those calls occurred only when Police Officer Velazquez was working on Second Platoon (T. 601-602, 603). According to Sergeant Khazin, he never observed Respondent give Police Officer Velazquez any preferential treatment when he was assigned to Second Platoon (T. 604). Sergeant Khazin conceded that he had filed a civil action against the City of New York, as well as Captain Greany, Lieutenant Brown, Lieutenant

Diaz and Lieutenant Lau (T. 610). In the civil action pleadings, Sergeant Khazin listed Respondent as a possible witness (T. 611).

Police Officer Michael Ranieri testified that in his capacity as the Patrolmens Benevolent Association delegate at the 9th Precinct, he attempted to assist Police Officer Velazquez in resolving performance issues, as well as alleged hardships occasioned by a tour change from Third Platoon to Second Platoon (T. 572, 573-574).

Case No. 2016-16144

Specification 5: Conduct Prejudicial to Good Order, Efficiency or Discipline

It is alleged that Respondent, by showing a pattern of preferential treatment toward Police Officer Velazquez, engaged in misconduct to the prejudice of good order, efficiency or discipline in this Department.

The evidence in the record, both testimonial and documentary, establishes a pattern of Respondent making tour changes for Police Officer Velazquez in direct violation of her Commanding Officers' orders not to do so; attempting to exercise the apparent authority of her rank while off-duty in violation of Department procedures; and Respondent making decisions based on unreasonable personal preferences. This pattern of questionable decision-making is rendered more suspect in view of Respondent's admitted personal relationship with Police Officer Velazquez. Under all the circumstances present here, Respondent displayed undue favoritism toward Police Officer Velazquez which is inconsistent with Department needs, procedures, policies and practices. Respondent's actions without any apparent objective rationale benefitting either this Department or the public, unduly favored Police Officer Velazquez. Respondent violated her primary responsibility of placing the needs of the Department ahead of undue personal preferences. The evidence further supports a finding that

Respondent's relationship with Police Officer Velazquez undermined both the chain of command at the 9th Precinct and the discipline required to administer this Department.

The mission of this Department is to "enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve peace, reduce fear, and maintain order" (P.G. 200-02). It is true that every Member of Service, regardless of how high-profile or seemingly invisible their assignment, renders valuable service to the people of the City of New York. When serving as a Platoon Commander, Respondent was, in fact, the duly designated representative of the 9th Precinct commanding officer. As such, any actions she took were required to be lawful, consistent with her rank and assignment, as well as consistent with the policies and priorities set by the commanding officer. It is not too obvious to point out that the chain of command did not cease to exist when the Precinct Commanding Officer went off duty for the evening.

First, Inspector Venice reassigned Police Officer Velazquez from Third Platoon, where he was under Respondent's supervision, to Second Platoon. Inspector Venice's decision was based, in part, upon an allegation, made by Mrs. Velazquez, that Police Officer Velazquez was having an inappropriate relationship with Respondent. Inspector Venice had reviewed personnel records and saw some questionable tour changes. Subsequent to Police Officer Velazquez' reassignment, Inspector Venice issued a directive forbidding supervisors at the 9th Precinct from changing Police Officer Velazquez' tour from Second Platoon back to Third Platoon. The evidence in the record established that Respondent made such changes on five to eight occasions after Inspector Venice directed the supervisors not to do so.

Second, Captain Greany issued a written directive on July 8, 2016, that tour changes from one platoon to another could only be approved by the requesting officer's platoon commander

and only with the consent of the platoon commander to whom the requesting officer would be assigned. The evidence establishes that Respondent approved tour changes for Police Officer Velazquez from Second Platoon to Third Platoon on July 10, August 6 and August 7, 2016, without the consent of Police Officer Velazquez' Platoon Commander, Lieutenant Michael Lau.

Third, on December 4, 2015, Respondent, while off duty, attempted to countermand Lieutenant Diaz' order reassigning Velazquez from a House of Worship detail to a traffic foot post by issuing an unlawful order to return to the 9th Precinct. When Respondent contacted Lieutenant Diaz to inform him of her order, Lieutenant Diaz informed her that he would issue Velazquez a command discipline if he returned to the precinct. Respondent did not acquiesce to the authority of Velazquez' on-duty superior, and remained insistent, eventually seeking the intercession of the Lieutenants Benevolent Association delegate.

Fourth, Respondent changed Police Officer Velazquez' assignments on nine occasions from the sector car assignments set forth on the roll call documents to stationhouse security. On each occasion, Respondent was either the Desk Officer or the Platoon Commander. While Respondent went to great lengths in trying to explain that stationhouse security was not a favorable assignment, this hypercritical argument misses the point. In the absence of a coherent rationale for the reassignments, it is difficult to view Police Officer Velazquez' repeated assignment changes from sector patrol to stationhouse security as reflecting anything other than a pattern of preferential treatment to accommodate her friend. On August 6, 2016, Respondent not only changed Police Officer Velazquez' assignment to stationhouse security, she changed his tour from Second Platoon to Third Platoon to do it, in direct violation of a directive Captain Greany gave to Respondent, as well as the other Platoon Commanders.

Finally, Respondent's reaction to Police Officer Velazquez alerting her that police

officers were outside his home on June 26, 2016, was to call Sergeant Yang and upbraid him for failing to consult with her before dispatching local police to Velazquez' home. Respondent, in attempting to reassert her authority with Sergeant Yang, completely ignored the reality that Captain Greany would not have directed Sergeant Yang to take such a step if Respondent had diligently met her responsibilities to keep the desk informed of all personnel changes of which she was aware. It is true that Respondent had apparent authority to grant an emergency day in response to Police Officer Velazquez' request, based upon her rank as a lieutenant and her position as a Platoon Commander; she could not, however, do so in violation of the Patrol Guide requirements to consult with the Desk Officer for the tour Velazquez was supposed to be working and to be on duty when making the decision. It was her failure to pass along her decision to Sergeant Yang so that it could be reflected in the roll call adjustment which led to Police Officer Velazquez being temporarily considered unaccounted for, leading to Captain Greany's decision to call for assistance from police officers at Velazquez' local precinct to ensure his well-being.

The evidence discussed above establishes a pattern of undue preference without reasonable explanation. Respondent allowed Police Officer Velazquez to have access to her as a supervisor for his personal advantage. Police Officer Velazquez spent time at Respondent's home and socialized with her off-duty, sometimes including his son in the outings. Police Officer Velazquez was present at Respondent's home during the domestic incident which occurred on January 5, 2016 and was identified by Respondent to the responding police officers as her boyfriend. The evidence shows that Police Officer Velazquez' presence was the catalyst for the incident. This evidence establishes that it is more likely than not Respondent was unduly biased toward Police Officer Velazquez resulting in preferential treatment.

Based upon the foregoing, I find that the Department has met its burden of proof by a preponderance of the relevant, credible evidence that Respondent unduly favored Police Officer Velazquez; accordingly, I find her Guilty of Specification 5.

Specification 1: Failure to Sign Command Log/Submit Overtime Report

The first duty of a Desk Officer set forth in Patrol Guide procedure 202-14 is to “sign name and time in Command Log when assuming desk officer duties and at end of tour” (P.G. 202-14[1]; *see also* 212-03 “Expiration of Tour”). Patrol Guide procedure 205-17 requires any uniformed member of service below the rank of captain to submit an overtime report (PD 138-064) to the desk officer when dismissed (P.G. 205-17[1]).

A preponderance of the credible, relevant evidence established that Respondent did not make proper entries in the command log for June 26, 2016, when she failed to sign out as the First Platoon commander. This duty was delegated from the Commanding Officer of the 9th Precinct to Respondent in her role as a Platoon Commander/Desk Officer. The purpose of log entries should be apparent to anyone familiar with the operation of a large organization. In failing to carry out this duty, Respondent compromised the ability of the 9th Precinct to reconstruct the activities of a police organization to higher police authority, a legislative body or judicial tribunal.

Accordingly, I find Respondent Guilty of Specification 1.

Specification 2: Wrongful Grant of Emergency Day

Patrol Guide 203-20 permits a uniformed member of the service to request an emergency excusal day for his next scheduled tour of duty (P.G. 203-20). Then request must be submitted to the Desk Officer on duty at the time of the request and may only be made during the interval

between the member's last tour of duty performed and the start of the next scheduled tour of duty (*Id.*).

Respondent admitted that at the time she received Police Officer Velazquez' request, she was not on duty (T. 758). Moreover, Respondent did not communicate the request or her approval of the request until she reported to the 9th Precinct. When Respondent did report the actions she took, she did not inform the outgoing Desk Officer but the PAA responsible for making adjustments to the roll call for Third Platoon after the roll call had already been conducted. Regardless of Respondent's professed good intentions, she circumvented the approval process for Velazquez' request in a manner to deny the on-duty Desk Officer, and eventually the Commanding Officer of the 9th Precinct, full situational awareness of the manpower picture on June 25th and June 26th. Accordingly, by a preponderance of the relevant, credible evidence, I find her Guilty of Specification 2.

Specification 3: Failure to Comply with Order

As a general principle, members of the service are obligated to follow the lawful orders of supervising officers (P.G. 203-03[2]). In this case, the evidence established that on July 8, 2016, Captain Vincent Greany, was by rank and position Respondent's supervising officer. On that date, Captain Greany issued an order, both verbally and in writing, which forbade platoon commanders from authorizing tour changes for members of service not assigned to their platoons.

A preponderance of the relevant, credible evidence established that Respondent approved tour changes for Police Officer Velazquez on July 10, August 6 and August 7, 2016, without the approval of the Second Platoon commander and in violation of Captain Greany's directives. I therefore find her Guilty of Specification 3.

Specification 4: Failure to Review and Approve Complaint Reports

Desk Officers, during their tours of duty, are required to examine and sign forms and reports as required (P.G. 202-14[22]). In addition, Captain Greany issued a directive that complaint reports were to be reviewed by Desk Officers at the beginning, middle and end of their tours.

While Respondent does not contest that there were 13 complaint reports left pending when she completed her tour as a Desk Officer on August 9, 2016, she testified that these complaints were not ready for final approval. The Department did not attempt to rebut Respondent's assertion by confronting her with the reports in issue; thus, the tribunal is in no position to reliably assess whether her testimony was plausible. Accordingly, the Department has failed to meet its burden of proof by a preponderance of the credible, relevant evidence. I therefore find Respondent Not Guilty of Specification 4.

Case No. 2016-15668

Specifications 1, 2: Failure to Notify Operations Unit

Based upon a preponderance of the relevant, credible evidence, as well as Respondent's own admissions, I find that the Department has met its burden of proof establishing that on November 19, 2015 and on January 9, 2016, Respondent failed to notify the Operations Unit to inform it that that on each occasion, [REDACTED] Police were dispatched to her home, at her request, to investigate domestic incidents.

Respondent conceded that on November 19, 2015, she made a 911 emergency call to the [REDACTED] Police Department and requested police assistance to quell a dispute between her and her children (T. 686). While Respondent asserted in her testimony that the dispute was about her judgment in bringing persons to her home, she denied that they objected to anyone in

particular (T. 686-687). This assertion is in conflict with the statement Respondent made in the domestic incident report, where she stated that the nature of the dispute was that her son objected to her boyfriend coming over (Dept. Ex. 4). Finally, Respondent admitted that she did not notify Operations although a Domestic Incident Report was prepared (T. 687).

Respondent admitted that on January 5, 2016, she placed another 911 emergency call to the [REDACTED] Police Department regarding a dispute at her home, involving Respondent and her adult daughter (T. 687-688). The nature of the dispute was that Respondent's daughter, [REDACTED], objected to Police Officer Velazquez' presence at Respondent's home that day (T. 688). [REDACTED] reportedly became so upset, she broke a glass during the altercation (Dept. Ex. 5). A recording of the 911 call Respondent made leaves the distinct impression that she was under some stress and excitement at the time she made the call, which included a plea for the police to hurry (Dept. Ex. 6). When the [REDACTED] Police Department responded, a domestic incident report was completed and Respondent was informed that NYPD Internal Affairs Bureau would be contacted (T. 689). The domestic incident report identifies Police Officer Velazquez as her boyfriend (Dept. Ex. 5). Respondent conceded that she did not contact Operations, explaining that she saw no need to make a report since IAB was going to be informed (*Id.*).

Patrol Guide 212-32 requires off-duty uniformed members of the service who are at the scene of an unusual police occurrence as a participant or a witness to remain at the scene and request the presence of the Patrol supervisor in the precinct of occurrence. "Unusual police occurrence" includes "family disputes and other incidents of domestic violence in which the officer is either a participant or a witness" (P.G. 212-32). As a 22-year Member of Service and a nine-year lieutenant, Respondent's failure to make the proper notifications cannot be excused by

either embarrassment or the inevitability of the news of the occurrence making its way from Internal Affairs to Operations.

Accordingly, I find Respondent Guilty of Specifications 1 and 2.

PENALTY RECOMMENDATION

In order to determine an appropriate penalty, Respondent's service record was examined (*See Matter of Pell v. Board of Education*, 34 N.Y.2d 222 [1974]). Respondent was appointed to the Department on June 30, 1995. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Department has requested that Respondent suffer the loss of 30 vacation days and be placed on one-year dismissal probation. I concur with the requested penalty.


Respondents in previous cases have suffered the loss of five to 30 vacation days and have been placed on one-year dismissal probation for various forms of dereliction of duty (*Disciplinary Case No. 2005-81301* [September 8, 2006][12-year Lieutenant, with no prior disciplinary record, negotiated forfeiture of 30 vacation days for failing to distribute overtime assignments in a fair and consistent manner on at least 28 occasions; Lieutenant charged with showing preferential treatment and favoritism to a specific Police Officer who was on pre-retirement leave]; *Disciplinary Case No. 2012-7861* [July 24, 2015][31-year Lieutenant, with no prior disciplinary record, forfeited five vacation days for failing to supervise subordinates and failing to respond to a radio run that involved a serious crime with a severely injured victim]; *Disciplinary Case No. 2013-8879* [December 17, 2014][21-year Lieutenant forfeited ten vacation days for failing to comply with order, failing to notify Commanding Officer and Executive Officer of a motor vehicle accident with fatalities which occurred within the confines of the

command; failing to notify the Commanding Officer and Executive Officer of two injured UMOS at a fire which occurred within the confines of the command])).

There is overwhelming evidence in the record evincing Respondent's lack of professionalism in failing to comply with unambiguous requirements of the Patrol Guide, which a Member of Service of her experience and rank should have internalized at this stage of her career. Of greater concern is her misguided loyalty to a police officer in derogation of her duties as a Platoon Commander and a lieutenant. It is disturbing that a nine-year lieutenant would fail to appreciate the nexus between the performance of her individual duties and the maintenance of good order, discipline and efficiency in this Department. Respondent's obdurate defense of Police Officer Velazquez' personal priorities revealed a pattern of laxity.

I therefore recommend that Respondent be DISMISSED from the New York City Police Department but that her dismissal be held in abeyance for a period of one year pursuant to Section 14-115(d) of the Administrative Code, during which time she remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. In addition, I recommend that Respondent forfeit 30 vacation days.

Respectfully submitted,



Paul M. Gamble
Assistant Deputy Commissioner Trials

APPROVED

MAR 29 2018

JAMES P. O'NEILL
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM
LIEUTENANT ANGELIQUE OLAECHEA
TAX REGISTRY NO. 915148
DISCIPLINARY CASE NO. 2016-15688 & 2016-16144

Respondent was appointed to the Department on June 30, 1995.

On her last three annual performance evaluations, Respondent received two overall ratings of 3.5 "Highly Competent/Competent" in 2016 and 2015, and one overall rating of 4.0 "Highly Competent" in 2014.

Respondent has been awarded two Department medals for Excellent Police Duty.

On September 19, 2016, Respondent was placed on Level 1 Disciplinary Monitoring for negative performance; that monitoring remains ongoing.

Respondent has no prior disciplinary history.

For your consideration.

Paul M. Gamble
Assistant Deputy Commissioner Trials